

REMARKS/ARGUMENTS

This reply is submitted in response to the office action dated June 9, 2007
Reconsideration of the Application is requested.

Claims 1-12, 16-17, 19-20, 22-33, 35, 57-62, 65-70, 73-85 are pending.

Claims 1, 17, 33, 59, 62, 65-70, and 73-85 are amended. Supports for these amendments are found in paragraphs [0039], [0041], and [0046].

Double Patenting Rejections

Regarding the double patenting rejections, Applicants respectfully submit that, due to the still-changeable nature of the claims, these rejections should be held in abeyance, e.g., until such point as the pending claims are allowable but for such double patenting rejections. At that juncture, Applicants will, if necessary, submit the appropriate terminal disclaimer(s) to obviate any then-pending double patenting rejections. Applicants respectfully submit that these rejections are not ripe for resolution until there are otherwise allowable claims in the instant case and allowed or issued claims in the cases to which terminal disclaimers are sought. Indeed, Applicants respectfully note that the M.P.E.P. instructs the Examiner to withdraw a provisional double patenting rejection in the earlier filed of two pending applications and to allow that earlier filed application to issue as a patent without a terminal disclaimer. *See* M.P.E.P 804(I)(B)(1).

Rejections under 35 USC § 102(b) or 35 USC 103(a)

Claims 1-12, 16-17, 19-20, 22-33, 35, 57-62, 65-70, 73-85 are rejected under 35 USC § 102(b) or §103(a) as being anticipated by U.S. Patent 4,536,537 to Klingensmith et al. (hereinafter “Klingensmith”) or WO 98/44041 to Suokas et al (hereinafter “Suokas”).

Klingensmith only discloses the use of plasticizers that have a Kinematic viscosity at 100 °C of 2, 4, or 6. In addition, Klingensmith notes that the trimer and tetramer counterparts of the 2 cSt dimmer (the 4 cSt and 6 cSt) do not work. This admission directly teaches away from Applicant’s claimed limitation of a Kinematic Viscosity from 10 cSt to 500 cSt.

Further, Suokas discloses blend compositions that comprise a chlorine-free polyolefin and poly-alpha-olefin oligomers having a kinematic viscosity at 100 °C of about 4 cSt to about 8 cSt for a sheet-like structure, especially a floor covering. Suokas does not teach or suggest any advantages to using poly-alpha-olefin oligomers having a higher kinematic viscosity.

Thus, Applicant respectfully submits that Klingensmith nor Suokas discloses or suggests to one of ordinary skill in the art the non-functionalized plasticizers as required in Applicant's amended claims. Applicant respectfully requests that the rejection under 35 USC § 102(b) and 35 USC § 103(a) be withdrawn.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Reconsideration and allowance is respectfully requested. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account number 05-1712. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicants' undersigned representative to arrange payment.

Respectfully submitted,

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